

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 17, 1968
August 14, 1968

Appeal No. 9685 S. Tebbs Chichester, Jr., appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. McIntosh dissenting, the following Order was entered at the meeting of the Board on July 17, 1968.

EFFECTIVE DATE OF ORDER - January 13, 1969

ORDERED:

That the appeal for a variance from the lot occupancy, rear yard, open court and Floor Area Ratio requirements of the R-5-B District, to permit alterations and a third-floor addition to a building at 2529-2529-A P Street, N.W., lot 803, Square 1264, be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District.
2. The property is improved with a 2-story brick structure with a frontage of 26 feet on P Street and a depth of 59.27 feet. The first floor of the property is presently used as an office for an interior design consultant and real estate broker. The second floor of the premises is occupied as a flat.
3. It is proposed to renovate the structure into an apartment containing five units; three 1-bedroom units; one efficiency unit; and one 2-bedroom unit. It is further proposed to construct a new third floor which will be set back 7 feet from the front of the building.
4. The subject structure now covers 60 percent of the lot. Appellant seeks to increase lot occupancy to 71.7 percent.
5. It is also requested that appellant be permitted to reduce the rear yard from 15 feet to 11 feet, 9 inches. The building sits back 2 feet from the property line at the street and the rear yard abuts gardens in the rear.
6. There is an areaway rendered nonconforming as the result of the construction of a new structure adjacent to the premises enclosing subject property on its third side. It is requested that the areaway be reduced from a 10-foot by 350-foot area to 5-foot 75-foot area.

7. Opposition to the granting of this appeal was registered at the public hearings.

8. The Board at its executive session on July 17, 1968, granted by a unanimous vote the subject appeal. On August 14, 1968, the Citizen's Association of Georgetown requested reconsideration by the Board of the subject appeal as a result of alleged procedural irregularity and substantive error.

OPINION:

We are of the opinion that the appellant has shown a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested variances will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.


The request of the Georgetown Citizen's Association for reconsideration of the subject appeal is denied in that there was not, as required by Section 8204 of the Zoning Regulations, any showing that new evidence would be produced at a re-hearing that could not reasonably have been presented at the original hearing. There was also no showing that there would be new evidence that was not presented at the original hearing.

Further, we find that the requested relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:


CHARLES E. MORGAN
Secretary of the Board

THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.